

**SEDGWICK COUNTY**  
**BOARD OF ZONING APPEALS**

**MINUTES**

**August 2, 1999**

The regular meeting of the Sedgwick County Board of Zoning Appeals was held at 3:30 p.m. on August 2, 1999, in the County Commission Room, 3rd Floor, Sedgwick County Courthouse, 525 N. Main, Wichita, Kansas.

The following members were in attendance: Chairman, GARY WILEY, JANA MULLEN, and GRANT TIDEMANN present. KATHLEEN GIDEON was absent.

The following Planning Department staff members were in attendance: Assistant Secretary, KEITH GOOCH, Associate Planner, LISA VERTS, and Recording Secretary, ROSE SIMMERING.

The following County Legal staff member was in attendance: MICHELLE DAISE, Assistant County Legal.

**WILEY:** Call to order meeting at 3:30 p.m.

**1. Approval of minutes for the following months:**

**February 1, 1999**

**March 8, 1999**

**April 5, 1999**

**May 3, 1999**

**July 12, 1999**

**WILEY:** I have a comment about the February 1, 1999 minutes. This was the Mr. Shelinbarger case that my property abutted. I did in fact ask if there was anybody in the audience that would be opposed to me hearing it and voting on this case. I think that ought to be reflected in the minutes just in case Mr. Shelinbarger does bring us to court.

**SIMMERING:** This is the one that the tape started late. Mr. Hughey was here and I was being questioned from him if the tape was running and noticed it was not.

**TIDEMAN:** Mr. Hughey was here for both cases right?

**WILEY:** No. The second case was the guys doing the (???not sure). Mr. Shelinbarger had two cases.

**SIMMERING:** You want the February 1, 1999 minutes to reflect corrections?

**WILEY:** Yes, that the February 1, 1999 minutes reflect that I did ask if there was anybody in the audience that felt that I had a conflict of interested in the case. Since the property that I was renting was abutting it and there was none so I went ahead continued with the case.

**MULLEN:** I remember that if it helps.

**WILEY:** Then the other thing that I thought is, the next case that maybe the tape ran out or something because we go right from Mr. Shelinbarger's case to Dave Yearout presented the case and Wiley said "The sign would be permitted?" Were there problems there to? That is on page number?

**SIMMERING:** It does not look like I have the page numbers either.

**WILEY:** It is about the fourth from the very last page or the fifth page. The page starts out the top with draft. **YEAROUT:** Yes. It is on the February minutes."

**MULLEN:** That is on the February minutes?

**WILEY:** Yes. The fourth or fifth page from the very last.

**MULLEN:** Draft, yes. Yearout presented staff report.

**WILEY:** "Yes and then the sign would be permitted?" Maybe that is ok I just can't remember what was being said.

**SIMMERING:** I think that is how it went.

**WILEY:** With that change I would make a motion to approve the February 1, 1999 minutes, **TIDEMAN** seconds.

**MOTION carries 3-0.**

**WILEY:** March 8, 1999 approval of minutes. Does anyone have a question on those?

**TIDEMAN** moves and **MULLEN** seconds to approve the March 8, 1999 minutes.

**MOTION carries 3-0.**

**WILEY:** Why do we have April 5, 1999 on here since there was no meeting? And there are not minutes to be approved, for April 5, 1999 or July 12, 1999?

**SIMMERING:** They have to be in the minute book. There still needs to be a record in the minute book.

**WILEY:** But there are no minutes to approve.

**SIMMERING:** Even though there was not a meeting it is just to acknowledge that there were no meetings.

**WILEY** moves **MULLEN** seconds to approve April 5, 1999 and July 12, 1999 minutes reflecting there was not meeting on that.

**MOTION carries 3-0.**

**WILEY:** Now we go to May 3, 1999.

**TIDEMAN:** What happened to the minutes for - June 1999?

**SIMMERING:** They are not done yet.

**WILEY:** I was going to ask because that was the one that we had the topiary right?

**SIMMERING:** Correct. Michelle Daise wanted me to get done as much as I could for this meeting. Dale and I could not get June done. I just did the minutes that we were in court or there was some litigation pending from Mr. Hughey. We are still short the June 1999 minutes. Hopefully we will get those the next time.

**WILEY:** I do not think there was a problem with the May 3, 1999 minutes.

**TIDEMAN** moves and **WILEY** seconds to approve the May 3, 1999 minutes.

**MOTION carries 3-0.**

**WILEY:** The next matter is the discussion regarding the future of the County Board of Zoning Appeals. Keith did you have something you wanted to say about this?

**GOOCH:** Sure, first I would like to introduce Lisa Verts, our new office staff. She will be taking over the Board of Zoning Appeals for Dale. Dale will still be serving as staff also, coming over to meetings with you but she will be presenting them. She is very lucky. She will be doing the City BZA also.

**WILEY:** You will find this Board a lot better than the city. We go faster.

**LAUGHTER**

**GOOCH:** First of all we do have a consolidated Planning Commission of the city and the county, fourteen members. We also have the consolidated Unified Zoning Code for the City and the County. Therefore it became obvious to us that maybe we should try to do a consolidated City and County Board of Zoning Appeals. So that is basically our first question to you. Do you agree with that? Would you like to have a consolidated City and County Board of Zoning Appeals? If the first answer

is yes, how would we? If you would brainstorm a little bit. Or decide or give suggestions on how we could set up this Board of Zoning Appeals consolidated and not have fourteen members like we do in the Planning Commission. If there is a possibility, I think that sometimes it creates a little confusion and problems with the time length of those meetings with all fourteen people.

**TIDEMAN:** How many cases does the City hear?

**GOOCH:** The City BZA average is 3 or 4 cases a meeting.

**TIDEMAN:** As far as I look at it, I would like to keep it the way it is. Because it seems like the County part of it seems pretty simple. I wouldn't want to necessarily serve or be interested in the actual consolidating, because just based on the amount of time that you would end up hearing all those cases together.

**WILEY:** That starts at 1:30 p.m., in the afternoon, doesn't it? You can just about plan on being there all afternoon on the City BZA.

**TIDEMAN:** Is that a paid position?

**GOOCH:** No. Just about as much as you are making right now.

**MULLEN:** Double your salary.

**LAUGHTER**

**TIDEMAN:** Like I said, I think I would like to keep it the way it is.

**WILEY:** That is the way that I feel, I think I would be hard pressed to be a member of the joint meetings.

**MULLEN:** Is it more work to have them separate? Or what is the reasoning?

**GOOCH:** Yes, you have to look at two mail-outs, you have to look at two closing dates, therefore, and we have to get notices out at different times of the month.

**WILEY:** You would still have the same mail-outs though Keith.

**GOOCH:** I am sorry?

**WILEY:** Same number mail-outs?

**MULLEN:** You still have to have the same number of cases. County/City.

**GOOCH:** You have to think of the time. Just do it one time versus two times. That was one of the reasons that staff was thinking of consolidated them. Also until Glen Wiltse took over we did not meet very often on cases probably once or twice a year. Now this year is different, I understand, we have had several Appeals.

**WILEY:** I am not so sure that is over with.

**GOOCH:** Probably not.

**WILEY:** I think that is good, personally.

**GOOCH:** I am sure that if you had an appeal on one of the consolidated boards you would be there almost all afternoon.

**WILEY:** Jana what do you think?

**MULLEN:** I have been fairly pleased with this arrangement. I think County and City behave a little differently.

**GOOCH:** Would it change anything if there were different members on the City BZA?

**WILEY:** You bet it would. We have one member, that is planner of all planners.

**GOOCH:** Planner and attorney.

**WILEY:** Yes that is right.

**GOOCH:** The worse combination.

**TIDEMAN:** Who?

**WILEY:** Bickley Foster, former Director of Planning.

**TIDEMAN:** He could be Director of all of the State of Kansas almost with all of his knowledge.

**WILEY:** He writes all of the zoning and subdivision regulations for about the entire small surrounding cities. He can stretch a nickel into a quarter.

**TIDEMAN:** Another thing is that I am somewhat familiar with the stuff that we hear. I think their Agenda is on different things, that even though I probably should be more familiar with I am not. Just because I am more familiar with the terms of things that we hear at the County, which actually do not seem to be as controversial.

**MULLEN:** That is what we represent.

**TIDEMAN:** I mean you get a setback requirement or a change or something, it is not like you have fifty people out there ready to get up and talk near as much.

**WILEY:** Even though we have a 1,000 foot notification it is still normally fewer people than what you get into the city with a 200 foot notification area. Personally, I do not think I would want to sit on the Board just because of the time frame involved. Do we need to make a motion or anything? It is just a discussion.

**GOOCH:** It is just a discussion.

**WILEY:** You will forward this information, the feelings of all three of us.

**GOOCH:** I will forward it to Marvin, and let him decide what to do. I am not sure if they are pushing it strong or if they are willing to bring it up next time, again, I don't know. I will let him know your feelings.

**WILEY:** Three at least here agree on no consolidation. I do not think you would find that much difference. We have only one more member though. Has there been any talk of appointment for the vacancy.

**GOOCH:** Not that I am aware of.

**WILEY:** Anything else?

**GOOCH:** I don't thing so.

**SIMMERING:** I have something to say about the Law Department. At one time, they needed a different meeting time or maybe even a different meeting day because of their scheduling conflict with Mondays at 3:30 p.m. It seems like, if I remember correctly, there was something brought up at one of the meetings about that conflict.

**DAISE:** That is still a problem for us. In fact one of us from our office has to be over in County Court while the other one is here. Possibly it is going to involve Glen Wiltse and his staff as well. Being one place or the other and trying to be both places at the same time.

**WILEY:** Is there another day that will work?

**DAISE:** Really any other day is fine. Our court starts at 1:30 p.m. So some days we are done by now. But today we are not.

**WILEY:** I do not have any problems with any other day except Thursdays. I think Keith or staff would have trouble with a Thursday. Don't you have City BZA on a Tuesday?

**GOOCH:** It is the last Tuesday and this would be the first Tuesday of the month.

**MULLEN:** I can meet Monday.

**WILEY:** That would work with staff?

**TIDEMAN:** Tuesday would work better for me.

**MULLEN:** Tuesday would work better for me too.

**GOOCH:** Let's wait until next time we meet. But I will talk to Dale and either try and set it up and make sure that we can do it all right.

**WILEY:** I think the consensus here is that Tuesday would work fine.

**SIMMERING:** The first Tuesday of the month, at 3:30 p.m.

**WILEY:** Would that help law?

**DAISE:** That would help a lot.

**SIMMERING:** I will check and see if this room is available.

**WILEY:** If not we could hold it across the street.

**SIMMERING:** I will still have to see if that room is available.

**WILEY:** It is a lot more convenient then coming across here.

**SIMMERING:** Is it?

**WILEY:** Emptying your pockets.

**SIMMERING:** That might be another reason to consolidate the boards since you are going to be there together anyway.

**MULLEN:** It is the time commitment I think.

**WILEY:** We have missed I think three meetings this year? The city I guarantee you, they would have had them. It is going to continue. I mean they get into it with all of the signs and everything else.

**SIMMERING:** But they have not had as many appeals either. Administrative Appeals. Those have taken long too. Marvin said to brainstorm.

**LAUGHTER**

**WILEY:** You just thought your minutes would be big. If you get the city and the county together you would be back on March. I think we are all in agreement that Tuesday, 3:30 p.m. would work and you will check on that and let us know the next meeting. When do we have to elect officers again? Was that something we already did?

**SIMMERING:** I think we are ok on that too.

**WILEY:** No other matters.

**MEETING ADJOURNED at 4:15 p.m.**